

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BOMBARDIER INC.,

Plaintiff,

v.

MITSUBISHI AIRCRAFT  
CORPORATION, MITSUBISHI  
AIRCRAFT CORPORATION AMERICA,  
INC., et al.,

Defendants.

2:18-cv-1543 JLR

DECLARATION OF STEPHEN PORTER  
IN SUPPORT OF DEFENDANT  
MITSUBISHI AIRCRAFT  
CORPORATION'S OPPOSITION TO  
BOMBARDIER, INC.'S MOTION FOR  
PRELIMINARY INJUNCTION

FILED UNDER SEAL

I, Stephen Porter, declare as follows:

1. I am a Senior Paralegal employed by Perkins Coie LLP ("Perkins Coie"). I work at Perkins Coie's Seattle, Washington office (1201 Third Avenue Suite 4900, Seattle, Washington, 98101). I have worked at Perkins Coie since 1996.

2. At Perkins Coie, my responsibilities include using databases to research document productions and depositions, reviewing client documents for responsiveness and privilege prior to productions, and coordinating with vendors and in-house technical staff regarding document and deposition databases, among other duties.

3. I work with the legal team that represents Mitsubishi Aircraft Corporation ("MITAC") in the above-captioned matter. I was advised that Bombardier had alleged that

DECL. OF STEPHEN PORTER IN SUPPORT OF DEFENDANT  
MITAC'S RESPONSE TO PLAINTIFF'S MOTION FOR PRELIM.  
INJUNCTION (NO. 18-CV-1543 JLR) – 1

**Perkins Coie LLP**  
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Phone: 206.359.8000  
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1 eleven documents had been misappropriated and that those documents contained alleged trade  
2 secrets.  
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4 4. I understand Bombardier provided the file names and .pdf versions of the eleven  
5 documents to Perkins Coie. I was provided access to .pdf copies of the documents and I  
6 familiarized myself with them.  
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10 5. I was asked to review a collection of MITAC files for the eleven allegedly  
11 misappropriated documents. The initial database that I reviewed contained files that Perkins  
12 Coie received from KLDISCOVERY, an e-discovery vendor. I understand KLDISCOVERY created the  
13 database based on data provided from MITAC based on an internal search of its files listings  
14 from its file servers (referred to herein as "Database I" for convenience) using keyword and/or  
15 portions of keywords based on the file names of the eleven identified documents. To my  
16 knowledge, MITAC collected the files for purposes of determining whether the eleven identified  
17 documents were on its servers, but neither KLDISCOVERY or MITAC internal technical support  
18 employees had access to the eleven identified documents.  
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28 6. I viewed the files in Database I in Relativity, an e-discovery software platform. I  
29 worked on the project with Michael T. Swick, an e-discovery attorney who also works for  
30 Perkins Coie. Mr. Swick has worked at Perkins Coie since 2016. To my knowledge, Mr. Swick  
31 is fluent in Japanese. I understand Mr. Swick also viewed the eleven identified documents. I  
32 understand that Mr. Swick familiarized himself with the eleven documents. The eleven  
33 documents were not in Database I.  
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41 7. I was asked to review a second collection of MITAC files for the eleven allegedly  
42 misappropriated documents. The collection contained files that Perkins Coie received access to  
43 from KLDISCOVERY, an e-discovery vendor. I understand that this set of data contained the  
44 emails and email attachments from the corporate email folders of two MITAC employees and  
45 Defendants in this matter (Marc Delarche and Keith Ayre), and a third MITAC employee  
46 mentioned in the First Amended Complaint (Andrius Knystautas) (referred to herein as  
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1 “Database II” for convenience). To my knowledge, MITAC had KLDISCOVERY collect the email  
2 folders for purposes of determining whether the eleven identified documents were in the folders,  
3 but neither KLDISCOVERY or MITAC internal technical support employees had access to the  
4 eleven identified documents.  
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9 8. I viewed the emails and attachments in Database II in Relativity. I worked on the  
10 project with Michael T. Swick. All emails and attachments from the Gmail, Yahoo, AOL, Me,  
11 Hotmail, and iCloud email domains were reviewed. In addition, targeted searches of Database II  
12 were conducted using search terms derived from the file names of the eleven documents. The  
13 eleven documents were not located in Database II.  
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19 9. I was asked to review a third collection of MITAC files for the eleven allegedly  
20 misappropriated documents. The third collection contained files that Perkins Coie received  
21 access to from KLDISCOVERY, an e-discovery vendor. I understand that the database contained  
22 the emails and email attachments from the corporate email folders of all former Bombardier  
23 employees now employed by MITAC (referred to herein as Database III for convenience). To  
24 my knowledge, MITAC had KLDISCOVERY collect these email folders for purposes of  
25 determining whether the eleven identified documents were in the folders, but neither  
26 KLDISCOVERY or MITAC internal technical support employees had access to the eleven identified  
27 documents. There are 47,796 documents in Database III.  
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37 10. I viewed the emails and attachments in Database III in Relativity. I worked on the  
38 project with Michael T. Swick. Targeted searches of Database III were conducted using search  
39 terms derived from the file names of the eleven documents.  
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43 11. As of this filing, we have inspected 27,251 documents in Databases I, II, and III  
44 and compared them to the eleven allegedly misappropriated documents. Not a single copy of the  
45 eleven documents has been located in any of the three databases. Unless otherwise stated, I have  
46 personal knowledge of all facts stated in this declaration and, if called to, could and would testify  
47 competently thereto.  
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4 I declare under penalty of perjury under the laws of the United States  
5 that the foregoing is true and correct  
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7 Executed at Seattle, Washington this 13th day of May 2019.  
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12 Stephen Porter  
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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that on May 13, 2019, I electronically served the foregoing via email.

DATED this 13 day of May, 2019.

s/Mary Z. Gaston

Mary Z. Gaston, WSBA No. 27258

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